

SCOTTISH CRIMINAL CASES REVIEW COMMISSION

MINUTES OF THE MEETING OF THE BOARD ON FRIDAY 29 MARCH 2019

10.00 AM, PORTLAND HOUSE

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In line with the Commission's Disclosure policy, various paragraphs may have been edited or deleted from these minutes as the information contained therein relates to specific case information and/or personnel-related matters. Where the summary of discussion has been edited or the names have been deleted, this is indicated at the start of the relevant paragraph or section.

Present:

Mr Bill Matthews (Chairman)
Mr Raymond McMenamin
Mrs Elaine Noad
Mr Colin Dunipace
Miss Frances McMenamin Q.C.
Mr Peter Ferguson Q.C.

Also Present:

Mr Gerard Sinclair, Chief Executive
Mr Chris Reddick, Director of Corporate Services (minutes)
Mr Michael Walker, Head of Casework

Section 1: Governance Matters (edited)

1.1 Apologies

Professor Jim Fraser and Sir Gerald Gordon Q.C. had submitted their apologies.

1.2 Conflicts of Interest/Declarations of Interest/Gifts & Hospitality

Members were asked to declare any known conflicts of interests or gifts and hospitality.

There was nothing to declare.

1.3 Minutes of Board meeting held on 22 February 2019

The Board approved the minutes of the Board meeting held on 22 February 2019 subject to minor amendment. The Board also approved the version of the minutes for the Publication Scheme.

1.4 Matters Arising

There were no matters arising.

1.5 Chairman's Report

Mr Matthews provided the Board with updates on the following matters:

- He confirmed that 3 successful candidates had been appointed as new Members and that Royal Warrants were in the process of being signed. He also confirmed that an induction day had been organised for 11 April 2019.

1.5 Chief Executive's Report

Mr Sinclair provided the Board with updates on the following matters:

- He attended the Law Society of Scotland Annual Dinner on 8 March 2019.
- He attended a tri-partite conference call on 22 March 2019.
- He attended a NDPB Chief Executive Forum meeting on 27 March 2019.
- He provided an update on the proposals for the 20th Anniversary Event on 13 June 2019.

Mr Sinclair also provided an update in respect of proposed Committee membership now that new Members were in the process of being appointed.

1.6 Court Decisions

Mr Sinclair provided an update on recent court decisions confirming that a total of 7 referrals had been made in 2018-19 and 5 had been successful.

1.7 Correspondence

Mr Sinclair reported that a request had been received from an organisation to meet the Commission to discuss its current investigation in one case. Mr Sinclair confirmed that this request had been declined.

Section 2: Management Issues (edited)

2.1 Notification by Members of non-case related work

There was no notification of non-case related work.

2.2 Training & Development

The following training and development had been undertaken since the last meeting of the Board:

- Miss Anderson and Mr Lynn had attended a Law Society for Scotland Risk Management seminar in Dunblane on 7 March 2018.
- Mr Reddick and Mrs MacDonald had attended Visualfiles Administrator training in the Commission's office on 19 March 2019.
- Mr Keane had attended a CPD event on Administrative Justice on 27 March 2019.

2.3 Whistleblowing

2.3.1 Mr Sinclair reported to the Board that he had been contacted by two external whistleblowers during the course of March 2019, both wanting to discuss making a protected disclosure in line with the Public Interest Disclosure Act 1998. Mr Sinclair

confirmed that these were the first such requests received by him as a prescribed person as defined by the legislation.

2.3.2 He provided the Board with a summary of both cases and his responsibilities as a prescribed person. After full discussion the Board noted Mr Sinclair's proposed course of action and agreed that the Commission's Public Interest Disclosure Policy and Whistleblowing Policy should both be updated to more explicitly cover the role of a prescribed person. Mr Sinclair also confirmed that he was required to provide an annual statement setting out the number of occasions that a protected disclosure had been made and that this would be done via the Commission's website and/or the Annual Report.

2.4 Corporate Planning

Mr Reddick presented the first draft of the 2019-22 Corporate Plan to the Board, confirming that this had followed the format of the previous Corporate Plan given that it had recently received positive feedback from the internal auditors. He also confirmed that it had been updated to take account of the revised National Performance Framework, although further work was required in respect of aligning the Commission to national indicators. The Board discussed the draft plan in detail and confirmed that they were content that the 3-year focus reflected their previous comments. The 2019-22 Corporate Plan was subsequently approved, subject to minor amendment.

2.5 Communications

Mr Reddick confirmed that he had been tasked with producing a new Communications Strategy for the Commission as part of the 2018-19 Business Plan Objectives. He presented the draft strategy and confirmed that this set the tone for all future Business Plan Objectives in respect of communication plans. After full discussion the Board approved the Communications Strategy.

2.6 Research & Development

2.6.1 Mrs Govan presented to the Board her updated research in respect of stage 1 reviews and legal representation, providing the most up to date statistics in respect of these matters. She also provided a summary of the issues experienced by the CCRC which had been drawn out as part of their tailored review.

2.6.2 After full discussion the Board noted the content of Mrs Govan's report and agreed that appropriate actions had been taken forward to address some of the issues identified such as information talks and information folders for prisons. Mrs Govan also confirmed that she would provide a further update on the impact of these measures in the future.

2.7 Case Management System Upgrade

Mr Reddick provided the Board with a verbal update on the case management system upgrade confirming that this was progressing in line with the agreed plan and timescales. He confirmed that admin were midway through testing the new system and no significant issues had been identified to date. He also confirmed that end-user testing was due to be taken forward at the end of April 2019, with the anticipated go-live date still 1 May 2019.

2.8 Accommodation Review

Mr Reddick provided the Board with a verbal update on the ongoing accommodation review and in particular the work being taken forward by the commercial property consultants and negotiations with the existing landlord.

Section 3: Case Matters (edited)

3.1 Monthly Case Summary

Mr Sinclair confirmed that a total of 11 new applications had been received in March 2019.

3.2 Notification of cases where final decisions have been issued since the last meeting of the Board, following the 28 days for submission of further representations expiring:

3.3 There was one case in this category.

3.4 Notification of decision cases agreed at previous meetings of the Board but not yet issued:

There were no cases in this category.

3.5 Referral press releases issued since last meeting of the Board:

No referral press releases have been issued since the last meeting of the Board.

3.6 Requests for extensions of time to submit further representations:

There were no cases in this category.

3.7 Want of Insistence Cases:

There were no cases in this category.

3.8 Discussion Cases:

Mr Keane provided the Board with a full update on the ongoing investigation of the case and after discussion it was agreed that the case should be continued for 2 months in order to obtain further information.

Section 4: Proposed Referral Cases

There were no cases in this category.

Section 5: Proposed Interim Cases (edited)

5.1–5.8 The Board considered 8 statements of reasons. After full discussion it agreed not to refer those cases to the High Court.

Mr Fitzpatrick had previously declared a conflict of interest in one case and therefore took no part in its review.

Section 6: Proposed Supplementary Cases

5.1–5.2 The Board considered 2 supplementary statements of reasons. After full discussion it finally agreed not to refer those cases to the High Court.

Mr McMenamin left the meeting for the discussion in one case having previously declared a conflict of interest and therefore took no part in its consideration.

Section 7: Stage 1 Pre Acceptance Cases

7.1–7.12 A total of 12 new applications were considered and the following decisions were made:

2 cases	Accepted on conviction and sentence
1 case	Rejected: the applicant had not appealed against conviction and sentence
5 cases	Rejected: the applicant had not appealed against conviction and sentence and there were no plausible or stateable grounds of review
2 cases	Rejected: the grounds of review were a repeat of the grounds of appeal
1 case	Rejected: there were no plausible or stateable grounds of review
1 case	Rejected: it was not in the interests of justice to accept the case for a full review

Section 8: Concluding Matters

8.1 Any Other Competent Business

The Chairman advised members that this was the last Board meeting for F McMenamin Q.C. after serving as a member of the SCCRC for over 8 years. Ms McMenamin was a valued and highly regarded member of the Commission who had contributed greatly to maintaining the high standard of decision making during her term of office and her sterling guidance, legal expertise and good humour would be greatly missed by everyone at the Commission. To mark the occasion a dinner and presentation were being organised to take place during the following month.

8.2 Date of Next Meeting

- Board Meeting – Friday 26 April 2019 @ 10:00

Chris Reddick
17 April 2019